



Attorney Docket No.: PHNL000578

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 10/043,389

ART UNIT: 2881

APPLICANT(S): Jan Martijn Krans et al

EXAMINER: Phillip A. Johnston

FILING DATE: 10/26/2001

TITLE: SEM Provided with an Adjustable Final Electrode in the Electrostatic Objective

**RENEWAL PETITION UNDER 37 CFR 1.137(b)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants submitted on July 26, 2004 a "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" and a "Notice of Appeal" via facsimile to the United States Patent and Trademark Office. The Petition was rejected for insufficient funds in the designated deposit account.

Applicants hereby re-submit a copy of the original Petition and Notice of Appeal, along with a check for \$1660. Please reconsider the Petition for Revival.

Respectfully submitted,

Date: 9/14/04

By: Michael O. Scheinberg  
Michael O. Scheinberg  
Patent Reg. No. 36,919  
P.O. Box 164140  
Austin, Texas 78716-4140  
Telephone: (512) 328-9510  
Facsimile: (512) 306-1963

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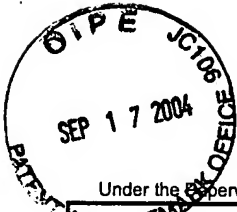
**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On: September 14, 2004

By: Margarita Marquez-Escalona  
Name: Margarita Marquez-Escalona



DAE  
IFW

PTO/SB/64 (11-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
PHNL000578

First named inventor: Jan Martijn Krans

Application No.: 10/043,389

Art Unit: 2881

Filed: 10/26/2001

Examiner: Phillip A. Johnston

Title: SEM Provided with an Adjustable Final Electrode in the Electrostatic Objective

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of A Notice of Appeal (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

09/17/2004 EAREDAY1 00000034 10043389 1330.00 DP  
02 FC:1453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

July 26, 2004

Date



Signature

Telephone

Number: (512) 328-9510

Michael O. Scheinberg

Typed or printed name

P.O. Box 164140

Address

Austin, TX 78716-4140

City, State and Zip Code

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

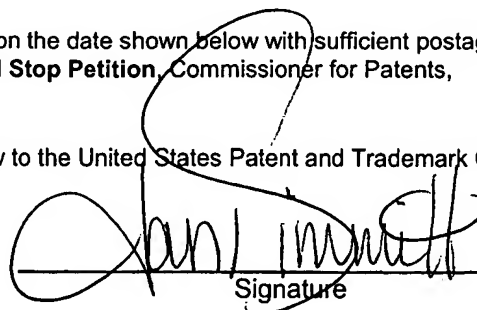
I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office

7/26/04

Date



Signature

Jan Dimmitt

Type or printed name of person signing certificate

Michael O. Scheinberg  
P.O. Box 164140  
Austin, TX 78716-4140

SEP 17 2004  
PATENT & TRADEMARK OFFICE

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**SEP 10 2004**

**OFFICE OF PETITIONS**

In re Application of  
Jay Martijn Krans  
Application No. 10/043,389  
Filed: October 26, 2001  
Attorney Docket No. PHNL000578

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on July 26, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lack items (1) and (2) above.

As to items (1) and (2), the Fee Transmittal filed with the instant petition authorizes the Office to charge \$1,330 for the petition to revive fee, and \$330 for the filing of the Notice of Appeal. However, petitioner's deposit account contains insufficient funds. Therefore, revival of the instant application cannot occur until such fees are submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

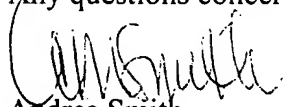
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<sup>1</sup>After September 27, 2004, the telephone number will be (571) 272-3226.

By hand: Customer Window located at:  
U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street S  
Customer Window, Mail Stop Petitions  
Crystal Plaza Two Lobby, Room 1B03  
Arlington, VA 22202

By fax: (703) 872-9306  
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (703) 308-6711<sup>1</sup>.



Andrea Smith  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup>After September 27, 2004, the telephone number will be (571) 272-3226.